


01
02 UNITED STATES DISTRICT COURT
03 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

04 JOSEPH AGEE,) CASE NO.: C08-0429-RSL
05)
06 Petitioner,)
07)
08 v.) ORDER DISMISSING § 2254
09) PETITION
10 JEFFREY UTTECHT,)
11)
12 Respondent.)
13 _____)

14 The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to
15 28 U.S.C. § 2254, respondent's answer, the Report and Recommendation of the Honorable Mary
16 Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find
17 and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) Petitioner's § 2254 petition (Dkt. No. 9) and this action are DISMISSED without
20 prejudice; and
21 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for
22 respondent, and to Judge Theiler.

DATED this 9th day of February, 2009.


Robert S. Lasnik
United States District Judge